

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

JOE NATHAN JAMES, JR,

Plaintiff,

vs.

STEVE MARSHALL,

Defendant.

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CIV. ACT. NO. 1:22-cv-241-TFM-N

**ORDER**

On July 18, 2022, the Court entered its Memorandum Opinion and Order denying Defendant's Motion to Dismiss. *See* Doc. 12. The Court also reminded Defendant that as a result of the denial of the motion to dismiss, his answer should be filed in accordance with Fed. R. Civ. P. 12(a)(4)(A). Rule 12(a)(4)(A) provides that "if the court denies the motion [to dismiss], the responsive pleading must be served within 14 days after notice of the court's action" which would have been August 1, 2022. The Court is also generally aware through articles in the press that the execution of Plaintiff Joe Nathan James, Jr. was carried out on July 28, 2022 as well as a Suggestion of Death filed in a separate, unrelated case involving the Plaintiff and a different counsel from the Attorney General's office. *See James v. Raybon*, Civ. Act. No. 1:21-cv-437, Doc. 27. Therefore, the Court would have understood if the Defendant had filed some other pleading besides its answer. However, instead Defendant has done nothing regarding this case leaving it to linger on the Court's docket.

Therefore, it is **ORDERED** for Defendant to show cause on or before **September 30, 2022** why he failed to file an Answer or other appropriate pleading in accordance with Rule 12(a)(4) or in an otherwise timely manner given that it has been almost two months of inaction on his part.

**DONE** and **ORDERED** this the 20th day of September 2022.

/s/ Terry F. Moorer

TERRY F. MOORER

UNITED STATES DISTRICT JUDGE